IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 313 of 2007(K)

PETITIONER:

GIRIJA YESODARAN,
W/O.YESODARAN, SHANMUGHA VILASOM,
KILIKOLLOR, KOLLAM.

BY ADV. SRI.K.SANIL KUMAR
SRI.G.SREEKUMAR

RESPONDENTS:

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1. THE DISTRICT LABOUR OFFICER,
KOLLAM, KOLLAM.

2. THE ASST. COMMISSIONER,
SALE TAX (ASSESSMENT), KOLLAM,
2ND CIRCLE, KOLLAM.

3. THE TAHSILDAR (RR) KOLLAM,
KOLLAM.

4. THE VILLAGE OFFICER,
KILIKOLLOR, KOLLAM.

5. THE KESAVA CHASHEW COMPANY,
REP. BY ITS PARTNER, MOHANDAS,
SHANMUGHA VILASOM, KILIKOLLOR, KOLLAM.

BY ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 313/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE DEATH CERTIFICATE.

P2 : COPY OF THE PARTNER SHIP DEED.

P3 : COPY OF THE NOTICE DATED 28/11/2006.

P4 : COPY OF THE REPRESENTATION DATED 28/12/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 313 of 2007

Dated, this the 22nd day of August, 2007

J U D G M E N T

The only prayer is for direction to the respondents to proceed against the assets of the defaulter firm which is stated to be a partnership firm. Petitioner's contention is that her husband, who is no more, was only Managing Partner of the firm. However learned Government Pleader reported that business was run by petitioner's husband as sole proprietor and therefore, his property is liable to be proceeded against. If petitioner's late husband was the defaulter, his property can be proceeded against for recovery. However, if on enquiry from records if it is found that business is carried on by the partnership firm and petitioner's husband is a partner, I direct respondents 3 and 4 to initiate recovery against the assets of the firm within two months from now, details of which can be furnished by the petitioner also. If arrears are not recovered from assets of firm, property of the partners including property of petitioner's late husband also can be proceeded against, after two months. But if on enquiry from records, if it is found that the liability is that of the proprietor and petitioner's husband was the proprietor, then

recovery will be continued only against the property of the deceased proprietor, that is petitioner's husband. This is a matter for verification by the respondents from the records. Petitioner will produce copy of this judgment for compliance.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg